

BOROUGH OF EAST RUTHERFORD
BERGEN COUNTY

HOUSING ELEMENT
AND
FAIR SHARE PLAN

Prepared by:
Jill A. Hartmann, PP, AICP
21 Sparrowbush Road
Mahwah, New Jersey 07430

Adopted by the Borough of Madison Planning Board on: 12/15/08

Endorsed by the East Rutherford Mayor and Council on: 12/16/08

RESOLUTION #08-06
BOROUGH OF EAST RUTHERFORD
PLANNING BOARD
DECIDED: DECEMBER 15, 2008

WHEREAS, the Planning Board of the Borough of East Rutherford, County of Bergen, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in 2006; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and


WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of Borough of East Rutherford; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of East Rutherford held a public hearing on the Housing Element and Fair Share Plan on December 15, 2008; and

WHEREAS, the Planning Board has determined that the Housing Element and Fair Share Plan are consistent with the goals and objectives of the Borough of East Rutherford's 2006 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of East Rutherford, County of Bergen, State of New Jersey, that the Planning Board hereby adopts the December 15, 2008 Housing Element and Fair Share Plan.


Richard Evans, Ph.D.
Chairman of Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of East Rutherford, County of Bergen, on December 15, 2008.


John Giancaspro
Planning Board Secretary

Governing Body Resolution #140
Petitioning with an Adopted Housing Element and Fair Share Plan

WHEREAS, the Planning Board of the Borough of East Rutherford, County of Bergen, State of New Jersey, adopted the Housing Element of the Master Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of East Rutherford, County of Bergen, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the East Rutherford Planning Board; and

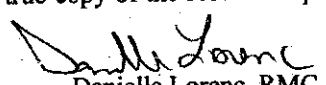
BE IT FURTHER RESOLVED that the Governing Body of East Rutherford, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of East Rutherford municipal clerk's office located at One Everett Place, East Rutherford, New Jersey, during the hours of 9:00 a.m. to 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

CERTIFICATION

I, Danielle Lorenc, Municipal Clerk, do hereby certify that the above is a true copy of the resolution passed by the Mayor and Council at the meeting held on the 16th day of December 2008.


Danielle Lorenc, RMC

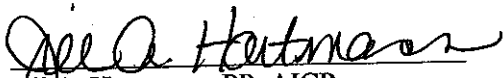
<i>Councilmember</i>	<i>Moved</i>	<i>Second</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
Brizzi			X			
Ravettine	X		X			
Lahullier			X			
Perry		X	X			
Viccaro			X			
Stallone					X	

**BOROUGH OF EAST RUTHERFORD
PLANNING BOARD MEMBERS**

2008

*Richard Evans, Ph.D., Chairman
Mayor James Cassella
Councilman Saverio Stallone
Kas Dabek, Vice Chairman
Robert Roth, Secretary
Joseph Morris
John Fusco
Franco Ravennati*

The original document was appropriately signed and sealed in accordance with Chapter 41 of the State Board of Professional Planners.



Jill A. Hartmann, PP, AICP
Professional Planner #4088

	<u>Page No.</u>
INTRODUCTION	1
Community Overview	1
HOUSING, POPULATION AND ECONOMIC CHARACTERISTICS	2
Inventory of Municipal Housing Stock	2
Population, Households and Income Analysis	6
Existing and Probable Future Employment	7
PROJECTION OF EAST RUTHERFORD'S HOUSING STOCK, INCLUDING THE PROBABLE FUTURE CONSTRUCTION OF LOW AND MODERATE INCOME HOUSING FROM 2004-20018	11
Future Construction of Housing	11
Lands Most Appropriate for Affordable Housing	16
FAIR SHARE PLAN	17
Introduction	17
East Rutherford's Fair Share Obligation.	17
Plan Summary	21
Plan Components	23
Conclusion	26
APPENDICES	27
APPENDIX A – Draft Development Fee Ordinance	
APPENDIX B – Draft Development Fee Resolution	
APPENDIX C - Draft Spending Plan	
APPENDIX D – Draft Spending Plan Resolution	
APPENDIX E - Exterior Housing Survey and Narrative	
EXHIBIT A	Following Appendix E

INTRODUCTION

The Borough of East Rutherford did not submit a Housing Element and Fair Share Plan to address its established fair share obligation of affordable housing for rounds one and two. In 2005, the Borough of East Rutherford, along with the Borough of Carlstadt, was sued by the Tomu Development Co., Inc. in a builder's remedy law suit. The Superior Court, in 2006, entered an Order granting a builder's remedy to Tomu Development Co., Inc. which required East Rutherford to draft a meaningful Housing Element and Fair Share Plan and other legislation consonant with the rules of the Council on Affordable Housing (COAH). The Boroughs of East Rutherford and Carlstadt appealed the Superior Court's decision. The Appellate Division affirmed the lower court's decision in August, 2008.

COAH proposed its revised third round affordable housing obligations regulations on January 22, 2008. On May 6, 2008 COAH voted to adopt the rules, with minor clarifications. The adopted "new" third round affordable housing requirements are cumulative, for new construction, and result in an overall 1987-2018 affordable housing obligation. Based on an allocation model, COAH has projected the 2004-2018 residential and employment growth. These projections, at a minimum, **MUST** be utilized when a municipality is calculating its fair share obligation of affordable housing. The following Housing Element and Fair Share Plan is prepared in direct response to the Court's order and addresses the Borough of East Rutherford's cumulative fair share obligation as established by COAH for the period from 1987-2018. This Housing Element and Fair Share Plan meets the requirements of the Court's order and follows the requirements of NJSA 52:27D-310 and 5:94-2.3.

Community Overview

The Borough of East Rutherford is part of Region 1, a four-county housing region (consisting of Bergen, Passaic, Hudson and Sussex Counties) established by COAH and located in southwestern region of Bergen County. East Rutherford is an established older urban, mixed single family and multifamily residential community. It is one of 13 municipalities that have lands located in the New Jersey Meadowlands and thus substantial property under the jurisdictional control of the New Jersey Meadowlands Commission. East Rutherford has a total area of 2,487 acres or 3.89 square miles and is surrounded by six municipalities (Carlstadt, Wallington, Rutherford, Lyndhurst, City of Passaic and Secaucus).

The major arterial roadways through the Borough are State Highway Route 17, which runs in a north/south direction; Paterson Plank Road, in the southern portion of the Borough and runs in an east/west direction; State Highway Route 3, in the northern reaches of the Borough and runs in an east/west direction; and Route 20, in the far eastern region of the Borough and runs in a north/south direction. These roadways serve as major highways to the Sports Complex (Giants Stadium, Continental Arena, and the Race Tract); major connections to the New Jersey Turnpike and Garden State Parkway; and primary connections to lower New York City.

East Rutherford is a fully developed community with little or no vacant land remaining. It is characterized by single family and two family residential neighborhoods on small 50' x 100' lots with non-conforming industrial uses dispersed throughout these mature neighborhoods.

HOUSING, POPULATION AND ECONOMIC CHARACTERISTICS

Inventory of Municipal Housing Stock

The U.S. Census of Housing in 2000 indicated that there were a total of 3,771 housing units in the Borough of East Rutherford, of which 13 were identified as seasonal housing units. The 3,771 housing units included 127 year round vacant units, representing a 1.7% vacancy rate. This and associated housing characteristics are presented in Table 1.

Table 1

Housing Characteristics Borough of East Rutherford 2000

<u>CHARACTERISTICS</u>	<u>NUMBER</u>
Total Housing Units	3,771
Total Year-Round Housing Units	3,758
Seasonal Housing Units	13
Total Occupied Housing Units	3,644
Owner-Occupied	1,580
Renter-Occupied	2,064
Total Vacant Housing Units	127

Source: U.S. Census of Housing, 2000

Table 2 shows the relative age of the housing stock in the Borough, as reported in the U.S. Census of Housing. The majority of the Borough's housing stock, approximately 58% or 2,190 units, were built before 1950. Between 1970-1990 and additional 36% or 1,379 units, of the Borough's housing stock was constructed. This is tempered by a net loss of 46 housing units between 1990-2000.

Table 2

YEAR STRUCTURE BUILT Borough of East Rutherford

<u>YEAR CONSTRUCTED</u>	<u>NUMBER OF DWELLINGS</u>	<u>PERCENT OF TOTAL</u>
1950	2,190	58
1960	2,438	7
1970	2,960	14
1980	3,211	7
1990	3,817	15
2000	3,771	- 1
TOTAL		100

Source: U.S. Census of Housing, 2000

The 2000 U.S. Census of Housing describes owner-occupied and renter-occupied housing values. Table 3 shows the distribution of housing values for owner-occupied housing units. The median value for such units was \$196,200 in 2000. Similarly, Table 4 shows renter-occupied housing units with an average rental value of \$817.

Table 3

SPECIFIED OWNER-OCCUPIED HOUSING UNITS BY VALUE
Borough of East Rutherford
2000

<u>VALUE</u>	<u>NO. OF UNITS</u>
Less than \$50,000	0
\$50,000 to \$99,999	8
\$100,000 to \$149,999	91
\$150,000 to \$199,999	321
\$200,000 to \$299,999	328
\$300,000 to \$499,000	30
\$500,000 or more	0
TOTAL	778
MEDIAN VALUE	\$196,200

Source: U.S. Census of Population and Housing, 2000

Table 4

SPECIFIED RENTER-OCCUPIED HOUSING UNITS
Borough of East Rutherford
2000

<u>RENT</u>	<u>NO. OF UNITS</u>
Less than \$200	36
\$200 to \$499	204
\$500 to \$749	523
\$750 to \$999	944
\$1,000 to \$1,499	312
\$1,500 or more	12
No Cash Rent	37
TOTAL	2,068
MEDIAN RENT	\$817

Source: U.S. Census of Population and Housing, 2000

Table 5 provides an analysis of the number of housing units in structures in the Borough. The data shows that a large majority of the housing stock is found in two-family detached structures. A total of 1,670 are located in such structures, representing 44.3 % of all housing in the Borough.

Table 5

UNITS IN STRUCTURES
BOROUGH OF EAST RUTHERFORD
2000

<u>UNITS IN STRUCTURES</u>	<u>NUMBER</u>	<u>PERCENT</u>
1 unit, detached	808	21.4
1 unit, attached	181	4.8
2 to 4 units	1,670	44.3
5 to 9 units	208	5.5
10 to 19 units	305	8.1
20 units or more	599	15.9
Mobile Home/Trailer	0	0.0
Other	0	0.0
TOTAL	3,771	100.0

Source: U.S. Census of Population and Housing, 2000

The quality of housing in the Borough is generally good. Although the U.S. Census does not measure housing quality directly, the traditional method of estimating deficient housing is through the use of census data known as indicators or "surrogates". Studies of substandard housing revealed that there are seven housing surrogates tabulated by the U.S. Census which can be used to reliably estimate the number of deficient units. The "Housing Quality Surrogates" used to indicate inferior or deficient housing are:

- Constructed prior to 1940;
- Overcrowded (more than one person per room);
- Inadequate plumbing facilities (incomplete plumbing facilities or lack of exclusive use of plumbing facilities);
- Inadequate kitchen facilities (either the shared use of a kitchen or the lack of a stove, refrigerator or sink with piped water);
- Inadequate heating (where no fuel or coal, coke or wood is used for heating);
- Inadequate sewer service (no public sewer, septic tank or cesspool); or
- Inadequate water supply (no public water, drilled well or dug well).

This is the method employed by the Council on Affordable Housing (COAH) to determine the present needs of low or moderate income families for standard housing.

According to the 2000 Census and as shown in Table 6, 1,235 housing units, in the Borough of East Rutherford, were included in one and/or another of the seven surrogates. It should be strongly emphasized that an unknown quantity of units may have been counted more than once, since the Census data does not account for overlapping data. Moreover, in order for a housing unit to be considered substandard by COAH and included as an "indigenous need" unit, it must exhibit at least two of the seven surrogates and be occupied by a qualified low or moderate income household. Additionally, the vast majority (87%) of the identified deficient housing units are included simply because they were constructed prior to 1940.

Table 6

NUMBER OF DEFICIENT UNITS BY
HOUSING QUALITY SURROGATE
BOROUGH OF EAST RUTHERFORD
2000

<u>HOUSING SURROGATE</u>	<u>NO. OF UNITS</u>
Constructed Prior to 1940	1,080
Overcrowded	116
Inadequate Plumbing Facilities	11
Inadequate Kitchen Facilities	6
Inadequate Heating	22
Inadequate Sewer Service	NA
Inadequate Water Supply	NA
TOTAL	1,235

U.S. Census of Population and Housing Characteristics, 2000

The units with deficiencies in Table 6 cannot be added to produce a total number of substandard units in 2000, since many units have more than one deficiency. In addition, this number only reflects occupied housing and does not account for the 127 vacant units. Thus, the number of 2000 units with one or more of these deficiencies is less than the total deficiencies shown in the Table 6. In addition, there also may be some units with none of these deficiencies which have structural defects.

The actual number of housing units that are theoretically affordable to low and moderate income households can be grossly estimated with the data that is available. Based upon the COAH 2005 Regional Median Income Limits for Region 1, a household of four persons can earn \$37,232 and \$59,571 for a low and moderate income household, respectively.

Using the established income limits discussed above and available Census data, and assuming certain monthly costs as required by COAH rules and regulations, it is possible to estimate the number of housing units in the Borough of East Rutherford that are available to low and moderate income households. As shown in Table 7, a number of existing housing units, particularly rental units, are affordable to low and moderate income households.

TABLE 7
EXISTING HOUSING THEORETICALLY AVAILABLE
TO LOW AND MODERATE INCOME HOUSEHOLDS
BOROUGH OF EAST RUTHERFORD

	<u>Sales Housing Units</u>	
	<u>Low Income</u> (Year/Month)	<u>Moderate Income</u> (Year/Month)
Total Income(\$)	38,536/3,211	61,658/5,138
28% for Housing	10,790/899	17,264/1,439
Less Property Taxes	1,829/152	3,266/272
Less Property Insurance	250/21	400/33
Net Available For Mortgage:	8,711/726*	13,598/1,134**

(*) For a low income household of four persons, assuming a fixed 30-year mortgage at 6.0%, a residential unit valued at \$100,000 could be obtained. Of the 778 owner occupied units in the Borough of East Rutherford, listed in the 1990 Census, 8 (less than 1%) are indicated to be valued at less than \$100,000.

(**) For moderate income households of four persons, assuming a fixed 30-year mortgage at 6%, a \$150,000 mortgage could be obtained. Of the 778 owner occupied units in the Borough of East Rutherford, listed in the 1990 Census, 91 (12%) are indicated to be valued between \$100,000 and \$149,000.

	<u>Rental Housing Units</u>	
	<u>Low Income</u> (Year/Month)	<u>Moderate Income</u> (Year/Month)
Total Income(\$)	38,536/3,211	61,658/5,138
30% For Housing	11,560/963	18,497/1,541
Less Utilities	1,800/150	2,000/167
Net Available for Rent:	9,760/813(*)	16,497/1,374(**)

- (*) For low income households of four persons, of the 2,068 renter occupied units in the Borough of East Rutherford, listed in the 1990 Census, 763 (37%) are indicated to be rented for less than \$750.
- (**) For moderate income households of four persons, of the 2,068 renter occupied units in the Borough of East Rutherford, listed in the 1990 Census, 1,707 (83%) are indicated to be rented for less than \$1,000.

Population, Households and Income Analysis

COAH requires an analysis of the municipality's socio-economic characteristics, including an assessment of population size, rate of population growth, age and sex characteristics, income levels and household size.

In 2000, the Borough's population was 8,716 persons. Table 8 shows the historic population trends for the Borough from 1950 to 2000. This data reveals that East Rutherford Borough has continued to grow over the last 40 years. Until 1980, the Borough's population grew steadily. The Borough experienced a decline in population in 1980, but as of 2000 had recovered and exceeded 1980's population by 180 persons.

Table 8

RATE OF POPULATION GROWTH
BOROUGH OF EAST RUTHERFORD
2000

<u>YEAR</u>	<u>POPULATION</u>	<u>POPULATION CHANGE</u>
1950	7,438	*****
1960	7,769	331
1970	8,536	767
1980	7,849	- 687
1990	7,902	53
2000	8,716	814

Source: U.S. Census, 2000

Table 9 shows the breakdown of age by sex for the Borough's 2000 population. The data indicates that 4,475 or 51.3% of the population was female and 4,241 or 48.7% was male. Overall the Borough's median age was 37.9.

Table 9

AGE CHARACTERISTICS
BOROUGH OF EAST RUTHERFORD
2000

<u>AGE GROUP</u>	<u>TOTAL</u>	<u>PERCENT</u>
Under 5	475	5.0
5-17	1,214	14.0
18-24	616	7.2
25-34	1,606	18.5
35-44	1,579	18.2
45-54	1,196	13.8
55-64	780	9.0
65 and Over	1,250	14.3
TOTAL	8,716	100.0

Source: -U.S. Census, 2000

Table 10 shows the breakdown for household income by category. The median income for a East Rutherford Borough household in 1999 was \$50,163. Approximately 50.4% of the households earned over \$50,000 with approximately and 77% earning \$25,000 or more. Approximately 77 individuals or 0.9% of East Rutherford Borough's population was at or below the poverty level in 2000.

Table 10

HOUSEHOLD INCOME
BOROUGH OF EAST RUTHERFORD
1999

<u>INCOME CATEGORY</u>	<u>NO. OF HOUSEHOLDS</u>	<u>PERCENT</u>
Less than \$10,000	276	7.5
\$10,000 to \$24,999	547	15.0
\$25,000 to \$49,999	984	27.1
\$50,000 to \$74,999	779	21.4
\$75,000 to \$99,999	495	13.7
\$100,000 to \$149,999	335	9.2
\$150,000 to \$199,999	91	2.6
\$200,000 or more	126	3.5
TOTAL	3,633	100.0

Source: U.S. Census, 2000

Consistent with the general trend, household size in East Rutherford Borough has been declining over the last several decades. Table 11 illustrates this general decline in household size.

Table 11

AVERAGE HOUSEHOLD SIZE
BOROUGH OF EAST RUTHERFORD
1960-2000

<u>YEAR</u>	<u>HOUSEHOLD SIZE</u>
1960	3.18
1970	2.91
1980	2.46
1990	2.36
2000	2.35

Source: U.S. Census, 2000

Existing and Probable Future Employment

The COAH Rules and Regulations require an analysis of the existing and probable future employment characteristics of the Borough, including the current employment in the municipality, employment characteristics and occupational patterns of the residents of the Borough, other community or regional factors which may impact municipal employment, and the probable future employment in the community.

Tables 12 and 13 describe the employment characteristics and occupational trends of East Rutherford Borough residents. Table 12 indicates that 41% of all jobs are concentrated in three fields: manufacturing, retail trade and educational, health and social services. Manufacturing accounts for 12.6% of all employment in the Borough, while retail trade accounts for 12.0% and professional services accounts for 16.6%.

Table 13 identifies resident employment by occupation. It indicates that 65% of the resident population is mainly employed in two categories: managerial and sales and office occupations. Managerial occupations account for 34.2% of all occupations, while sales and office occupations account for 30.8%.

Table 12

EMPLOYED PERSONS 16 AND OVER BY INDUSTRY
BOROUGH OF EAST RUTHERFORD
2000

<u>INDUSTRY</u>	<u>NUMBER</u>	<u>PERCENT</u>
	0	0
Agriculture, Forestry, Fishing/Hunting, Mining	282	6.2
Construction	574	12.6
Manufacturing:	323	7.1
Transportation, Warehousing and Utilities	248	5.5
Wholesale Trade	546	12.0
Retail Trade	227	5.0
Information	427	9.4
Finance, Insurance, Real Estate	348	7.7
Professional, Scientific, Mgt., Admin., Waste Mgt.	755	16.6
Educational, Health and Social Services		
Arts, Entertainment, Recreation, Accommodation,	365	8.0
Food Services	223	4.9
Other Services (not public administration)	228	5.0
Public Administration		
TOTAL	4,546	100.0

Source: U.S. Census of Population and Housing, 2000.

Table 13

EMPLOYED PERSONS 16 AND OVER BY OCCUPATION
BOROUGH OF EAST RUTHERFORD
2000

<u>OCCUPATION</u>	<u>NUMBER</u>	<u>PERCENT</u>
Managerial, Professional, Related Occupations	1,557	34.2
Service Occupations	647	14.2
Sales and Office Occupations	1,402	30.8
Farming, Forestry & Fishing Occupations	12	0.3
Construction, Extraction & Maintenance Occupations	285	6.4
Production, Transportation & Materials Moving Occupation	643	14.1
TOTAL	4,546	100.0

Source: U.S. Census of Population and Housing, 2000.

PROJECTION OF EAST RUTHERFORD'S HOUSING STOCK, INCLUDING THE PROBABLE FUTURE CONSTRUCTION OF LOW AND MODERATE INCOME HOUSING FROM 2004-20018

Future Construction of Housing

COAH regulations require a 10 year projection of a community's future housing to be based on an assessment of data which minimally must include the number of housing units constructed or has been issued building permits during the last 10 years, the number of low and moderate income housing units constructed previously, the number of low and moderate income housing units previously rehabilitated, a projection of the community's housing stock for the next 10 year period, and the number of subdivisions and site plans approved for residential purposes during the last six years.

Table 14 shows building permits issued during the past ten years from 1998 through June 2008. A total of 910 building permits were issued during this period. It should be noted that 614 of the 2007 building permits issued were for a multi-family residential development in the New Jersey Meadowlands Commission District (NJMC). No construction has yet to commence and the magnitude of these units is not consistent with the Borough's overall historical development pattern. An average of 29.6 units per year were approved for construction without the units associated with the NJMC. Incorporating the NJMC building permit figure of 614 units results in an average rate of 91 units per year. In addition, there were a total of 28 residential demolitions over the 10 year period for an average of 2.8 demolitions per year.

TABLE 14

NUMBER OF RESIDENTIAL BUILDING PERMITS ISSUED
BOROUGH OF EAST RUTHERFORD
2004- 2008

<u>YEAR</u>	<u>PERMITS ISSUED</u>	<u>DEMOLITION</u>
1998	2	2
1999	0	0
2000	2	2
2001	6	1
2002	4	1
2003	134	5
2004	115	1
2005	15	4
2006	1	4
2007	622	8
2008	24	N/A
TOTAL	910	28

Source: New Jersey Residential Building Permits.
N.J. Department of Labor 2004-2008.

A second component of establishing a historic development trend in the Borough, is to review all subdivision applications filed from 2000 to August, 2008 were reviewed. Table 15 provides the breakdown of subdivision approvals by year approved. As shown in Table 15, the creation of new lots was generally associated with single family residential lots that contained excess/surplus land. Such subdivisions were scattered throughout the Borough. A few small scattered multi-family residential complexes have been approved and can be anticipated to continue infrequently as former industrial sites are redeveloped. It should be noted that of the 622 building permits issued in 2007, 614 were associated with a Block 108.04, Lot 5 in the NJMC District. This is an extremely unusual situation, is verified by Table 14 above and to date construction has not yet commenced on the site.

TABLE 15

HISTORICAL RESIDENTIAL SUBDIVISION PATTERN
BOROUGH OF EAST RUTHERFORD
2000-2008

<u>Year</u>	<u>Address</u>	<u># New Lots</u>
2000	-----	0
2001	-----	0
2002	-----	0
2003	-----	0
2004		0
	187 Van Winkle St.	1
	37 Hope St.	1
	366 Grove St.	1
2005		
	42-44 John St.	2
2006		
	Mozart St.	1
	70 Prospect Terr.	1
	Railroad Ave.	1
2007	-----	0
2008	859 York St.	1

Finally, the last component of establishing a historic development trend, is to examine the approved development applications from 2000 -2008. Tables 16 and 17 show the breakdown and pattern of residential and non-residential development approvals from 2000-2008.

TABLE 16

HISTORICAL RESIDENTIAL DEVELOPMENT APPLICATION APPROVALS
BOROUGH OF EAST RUTHERFORD
2000-2008

<u>Year</u>	<u>Address</u>	<u>Description</u>
2001	Park Ave.	2 units
2002	Orchard St.	108 units
	226 Orchard St.	1 unit
	Paterson Ave.	2 units
2003	175 Uhland St.	2 units
	Railroad Ave.	2 units
	131 Mozart St.	2 units
2004	187 Van Winkle Ave.	2 units
	22 Willow Wood Ct.	1 unit
	Paterson Ave./Randolph St.	1 unit
2005	Route 3	614 units
	Van Winkle St.	33 units
	Railroad Ave.	2 units
	183 Park Ave.	1 unit
	366 Grove St.	2 units
	42-44 John St.	6 units
2006	132 Union Ave.	30 units
	Railroad Ave.	2 units
	70 Prospect Terr.	2 units
	191 Van Winkle Ave.	1 unit
	37 Hope St.	2 units
2008	480-484 Paterson Ave.	24 units

Large scale multi-family residential development has occurred with the demolition of the Becton Dickinson corporate headquarters and the construction of 128 units. Similarly, an obsolete industrial site, located in close proximity to the Rutherford train station was redeveloped with 108 apartments (Orchard Square). Recent small multi-family residential approvals of 24-33 units have required an affordable housing component.

Table 17 below shows the non-residential development from 2000-2008. It is highlighted by two large redevelopment projects located along Route 17. The old Becton Dickinson site has development approvals for 134,074 square feet of retail space, 100,000 square feet of office space, 3,000 square feet of bank facility and a 128 room hotel. The site is nearing completion with only the office space outstanding. Across, Route 17, along the north side is an approved and redeveloped super fund site that contains a 135,224 square foot Lowe's, 16,500 square feet of restaurant and retail space. Future substantial redevelopment is not anticipated.

TABLE 17

NON-RESIDENTIAL DEVELOPMENT APPLICATIONS APPROVED
BOROUGH OF EAST RUTHERFORD
2000-2008

<u>Year</u>	<u>Address</u>	<u>Square Footage</u>	<u>Use</u>
2000	Stanley St./Route 17	134,074 103,000 128 rooms	Retail Office Hotel
2001	-----		
2002	252-258 Park Ave.	731	Restaurant
2003	Route 17/Paterson Plank Rd.	135,224 16,500	Retail/Storage Retail/ Restaurant
2004	-----		
2005	Route 17 North 183 Park Ave. 228 Paterson Ave.	1,080 1,880	Retail Office Deli
2006	51 Route 17	3,207	Retail
2007	Route 17/Union Ave.	7,385	Office/Bank
2008	480-484 Paterson Ave. 228 Park Ave. 250 Route 17 51 Route 17	8,297 4,605 20,911 256	Retail/Office Office Retail/Office Storage

LANDS MOST APPROPRIATE FOR AFFORDABLE HOUSING

The Borough of East Rutherford is a fully developed, older suburban community with little vacant land available for any type of new residential construction. It is Borough's position that affordable housing should be located throughout the community. East Rutherford is committed to the redevelopment of several scattered areas throughout the municipality and within the Neighborhood Commercial District as a whole.

The NC District permits multi-family residential development at a density of 30 units per acre with 20% set aside dedicated to affordable housing. The 132 Union Avenue development is the first application that redeveloped an old, obsolete industrial property with 32 units of market rate and affordable housing.

Block 8, Lots 1-9 and Block 18, Lot 14

These lots are located in the Carlton Hill section of the Borough and are bounded by the railroad spur to the south, industrial properties to the west, a well established single family residential neighborhood to the north and a well established townhouse and single family neighborhood to the east. It contains approximately 18 acres and is presently developed with antiquated factory and warehousing buildings. The Borough has adopted an Affordable Housing Overlay Zone that permits multi-family residential, townhouse and garden apartment development. All future residential development is required to set aside 20% of the units for low and moderate income households. The existing zone regulations will be amended to permits an overall density of 20 units per acre.

Block 29, Lot 3

This site is presently zoned industrial and contains an active industrial use. However, this 4.79 acre site has been at the center of redevelopment talks for the last few years. The Borough adopted a Mixed Residential Overlay Zone in order to create an overlay zone that would provide a variety of housing types to meet the needs of the Borough residents. This zone permits age restrict and non-age restricted housing. All future residential development is required to set aside 20% of the units for low and moderate income households. The existing zone regulations will be amended to permits an overall density of 20 units per acre.

FAIR SHARE PLAN

Introduction

The Fair Share Plan for the Borough of East Rutherford provides a framework for how the Borough will meet its fair share obligation of low and moderate income housing. COAH's rules and regulations provide a number of options in planning for affordable housing, including rehabilitation programs; provisions for rental housing; new construction through the inclusionary development and/or municipally sponsored affordable housing mechanisms; and other methods described in COAH's rules and regulations. East Rutherford Borough's Fair Share Plan will address the Borough's fair share housing obligation consistent with COAH's requirements.

In a "Builder's Remedy" lawsuit, the Borough of East Rutherford was sued by Tomu Development Corporation in 2003. The case has been decided in favor of the builder at the Superior Court and Appellate Court levels. It is now before the Supreme Court. On June 1, 2006 Judge Harris created, as independent judicial officers, a Mount Laurel Implementation Monitor for the Borough of East Rutherford. Robert T. Regan, Esq. was appointed as the Monitor. The Borough, at the direction of the Mount Laurel Implementation Monitor, is submitting this Housing Element and Fair Share Plan to COAH for substantive certification.

East Rutherford's Fair Share Obligation

The methodology for determining the Borough's third-round affordable housing obligation has changed significantly from the prior round regulations. Under COAH's third-round rules, a municipality's third-round affordable housing obligation is a function of three components:

- Rehabilitation Share
- Remaining Prior Round Obligation
- Growth Share

The growth share component represents the most significant change from the prior round, as it requires that each municipality determine its own affordable housing obligation based on the amount of residential and non-residential growth anticipated over the third-round period from 2004 to 2018. Each of the three components is combined to determine the municipality's total affordable housing obligation. More detail on each component is provided below.

Rehabilitation Share

The rehabilitation share component of the affordable housing obligation is based on the municipality's existing housing deficiencies and includes existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. A municipality's total Rehabilitation Share is equal to the sum of its overcrowded and dilapidated units, multiplied by its regional Low-/Moderate-Income Deterioration Share, minus its Rehabilitation Share Credit. The rehabilitation share essentially replaces what was known as indigenous need in the previous rounds. COAH has assigned the Borough a rehabilitation share of 85 units.

Remaining Prior Round Obligation

The Prior Round Obligation is the total Fair Share Obligation for the period 1987 to 1999. As noted in Appendix C, COAH is adopting municipalities' unadjusted 1987 to 1999 obligations, first published in 1993. East Rutherford's Prior Round Obligation is 90 units. Credits and/or adjustments, in accordance with COAH regulations, are permitted for units already built or transferred as part of a certified plan.

Growth Share

The growth share portion of a municipality's fair share obligation is based on the projected residential and employment growth in the municipality over the period between 2004 and 2018. Growth share is defined as:

"The affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit among five housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality."

This means that each individual municipality's actual growth between 2004 and 2018 generates an affordable housing obligation. For residential development, one unit of affordable housing obligation is generated for every four market rate residential units constructed in the municipality. For non-residential development, one unit of affordable housing obligation is generated for each 16 jobs created in the community. Job creation estimates are based on the amount of new non-residential square footage developed within the community. COAH has assigned the Borough with a growth share of 120 units.

Calculation of Affordable Housing Obligation

The calculation of East Rutherford's affordable housing obligation is detailed below as the Rehabilitation Share, the Remaining Prior Round Obligation and the Growth Share.

Rehabilitation Share

Appendix B of COAH's third round substantive rules establishes the Borough's rehabilitation share of 85 units.

Remaining Prior Round Obligation.

Appendix C of COAH's new rules indicates a prior round new construction obligation of 90 units for the Borough.

- Credits, Reductions and Adjustments Regarding Prior Round Obligation. The Borough seeks credits, reductions and adjustments as detailed in the following sections.

- Credits
Third-round rules permit credits for units that were constructed (i.e. received certificates of occupancy) or rehabilitated following April 1, 2000 (i.e. received final inspections after 4/1/2000), or transferred to another municipality as the subject of a regional contribution agreement (RCA). The Borough has not filed or received substantive certification for the prior round therefore it has no eligible reductions.
- Reductions
Reductions from the prior round obligation are permitted for unbuilt sites that were zoned for affordable housing as part of the certified second round plan. Reductions are subject to COAH review and sites must continue to present a realistic opportunity for the construction of affordable housing. The Borough has not filed or received substantive certification for the prior round therefore it has no eligible reductions.
- Adjustments
COAH honors adjustments granted as part of a second round certified plan, including vacant land adjustments. The Borough has not filed or received substantive certification for the prior round therefore it has no eligible reductions.
- Calculation of Remaining Prior Round Obligation
As detailed in the sections above, the Borough The Borough has not filed or received substantive certification for the prior round therefore it has no eligible for any credits, adjustments or reductions toward its prior round obligation.

Growth Share

The growth share component of the Borough's affordable housing obligation is calculated based on the projected amount of residential and non-residential growth anticipated between 2004 and 2018. This projected growth is initially provided in Appendix F of the COAH regulations. However, a municipality can also provide a detailed (actual) projection resulting from an analysis of approved, pending and anticipated development applications. Once the detailed analysis is complete, this growth is translated into an affordable housing obligation, based on a standard of one affordable housing unit among five units that are projected and one affordable unit for every 16 jobs that are projected to be created.

The Borough of East Rutherford's growth share obligation, as established by COAH, is 120 affordable housing units.

- Projection of Residential Growth Share
Appendix F of the third round regulations provides the data needed to calculate the residential growth share. The residential growth projection is determined by subtracting the number of households in 2004 from the projected household growth for the municipality in 2018. This calculation results in the estimated household growth.

COAH projects that 110 dwelling units will be created in the Borough by 2018. The Borough accepts this figure as realistic of actual and anticipated growth between 2004 and 2018, and therefore East Rutherford elects not to provide its own detailed analysis. Based on the requirement that one affordable unit be constructed among every five units created in the Borough, this housing projection creates an affordable housing obligation of 22 unit. This figure will be combined later with the non-residential obligation to provide the total growth share obligation.

- **Projection of Non-Residential Growth Share**

Appendix F of the third round regulations provides the data needed to calculate the non-residential growth share. The employment growth projection for non-residential development is estimated based on the employment projections for 2004 to 2018. The following calculation details the baseline non-residential growth projection for East Rutherford.

COAH projects that 1,561 new jobs created in the Borough by 2018. The Borough accepts this figure as realistic of actual and anticipated employment growth between 2004 and 2018, and therefore East Rutherford elects not to provide its own detailed analysis. Based on the requirement that one affordable unit be constructed for every 16 jobs created in the Borough, this employment projection creates an affordable housing obligation of 98 unit.

Total Fair Share Obligation

As indicated previously, the total fair share obligation is the sum of the rehabilitation share, remaining prior round obligation, and the growth share. As shown below, East Rutherford has a total fair share obligation of 295 units.

**Total Fair Share Obligation
East Rutherford, New Jersey**

<u>Component</u>	<u>Obligation</u>
Rehabilitation Share	85
Remaining Prior Obligation	90
Growth Share	120
Total Fair Share Obligation	295

PLAN SUMMARY

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligation. The Borough was assigned a rehabilitation share of 85 units. Therefore, East Rutherford must address its third round rehabilitation obligation; its remaining prior round obligation; and its growth share obligation.

- Rehabilitation Share

The third round rules assign the Borough with a new rehabilitation obligation of 85 units. At the outset, this rehabilitation figure appeared extremely high and unrealistic. The Borough elected to utilize the optional Exterior Housing Survey and Narrative method to determine the actual number of units in need of rehabilitation. The appropriate Borough Official conducted the Exterior Housing and concluded that only 3 structures meet the criteria for a residential unit in need of rehabilitation. The required documentation is appended to this Housing Element and Fair Share Plan.

- Remaining Prior Round Obligation

The third round rules assign the Borough a prior round obligation of 90 units. As noted above, the Borough has been in a Builder's Remedy law suit and did not submit a prior round Housing Element and Fair Share Plan.

The regulations governing the prior round obligation relate to East Rutherford as follows:

- Rental Component

COAH regulations stipulate in NJAC 5:97-3.5(a) that a municipality may receive 2 credits for each rental unit addressing its prior round rental obligation, provide the unit was created and occupied on or after December 15, 1985, is not-age restricted and has affordability controls for at least 30 years. COAH regulations stipulate in NJAC 5:97-3.10(b)(1) that at least 25 percent of a municipality's prior round obligation must be addressed with rental housing. Therefore, the Borough is obligated to provide 23 affordable family rental units.

- Age Restricted Units

COAH regulations stipulate in NJAC 5:97-3.5(b) that a municipality may receive 1.33 units of credit for each age restricted rental unit addressing its prior round rental obligation, provided the unit was created and occupied on or after December 15, 1985 and has affordability controls for at least 30 years. COAH regulations stipulate in NJAC 5:97-3.10(c)(1) that up to 25 percent of a municipality's prior round obligation may be addressed with age-restricted housing. Therefore, the Borough may provide up to 23 age-restricted units.

- Growth Share Obligation

As detailed in the body of this report, East Rutherford's growth share obligation is 120 units. The rules governing the growth share obligation relate to East Rutherford as follows:

- Rental Component

COAH regulations stipulate in NJAC 5:97-3.1 0(b)(3) that at least 25 percent of a municipality's growth share obligation must be addressed with rental housing. Therefore, the Borough is obligated to provide 30 affordable rental units.

- Very Low Income

P.L.2008, c.46, creates a requirement that at least 13 percent of a municipality's affordable housing units be reserved for occupancy by very low income households with a gross household income equal to 30 percent or less of the median income for households of the same size within the housing region.(30% or less). Therefore, the Borough is obligated to provide 40 units of housing available to very low income households. In accordance with NJAC 5:97-3.9 at least 50 percent of these units or 16 units must be addressed with family housing. The balance may be age restricted.

- Age Restricted Units

COAH regulations stipulate in NJAC 5:97-3.1 0(c)(2) that up to 25 percent of a municipality's growth share obligation may be addressed with age-restricted housing. Therefore, the Borough may provide up to 30 age-restricted units.

- Bonus Caps

COAH regulations stipulate in NJAC 5:97-3.20(b) that the total number of bonuses for the growth share obligation granted in a fair share plan shall not exceed 25 percent of the projected growth share obligation. Therefore, the Borough may be granted up to 30 bonus credits.

PLAN COMPONENTS

- **Rehabilitation Share**

Every municipality must address its rehabilitation component of its fair share obligation. Municipalities may address this portion of their obligation either by zoning for new construction or by operating a local rehabilitation program to enable lower income households to borrow funds to repair their homes. East Rutherford has an adjusted rehabilitation share of 3 units.

The Borough proposes to meet its rehabilitation share through new construction, as noted below.

- **Remaining Prior Round Obligation Plan Components**

The Borough has a 90 unit remaining prior round obligation. It will be met through the use of inclusionary development as noted below.

NJAC 5:97-3.5(a) permits a municipality to receive two units of credit for each rental unit addressing its prior round obligation, provided the unit was or will be created and occupied in the municipality on or after December 15, 1985, in not age restricted and has affordability controls for at least 30 years. No rental bonuses shall be granted for rental units in excess of the prior round rental obligation. NJAC 5:97-3.5(b) permits a municipality to receive 1.33 units of credit for each age restricted unit addressing its prior round obligation, provided the unit was or will be created and occupied in the municipality on or after December 15, 1985 and has affordability controls for at least 30 years. No rental bonuses shall be granted to age restricted rental units in excess of 50% of the prior round rental obligation.

The prior round obligation of 90 units will be met with a combination of new construction and rental bonus credits.

Tomu Development Co., Inc. (Block 107.03 Lots 2, 5, 7 and 11)

This is the builder's remedy law suit site and must be included as part of the Borough's fair share plan to meet its 1987-2018 affordable housing obligation. The subject site straddles both the Boroughs of East Rutherford and Carlstadt. It has a total area of 26.9 acres with 22 acres located in East Rutherford and 4.9 acres in Carlstadt. The site is located along the western edge of the Hackensack River. Access to the site is via Paterson Plank Road. It is presently developed with commercial recreation uses in the form of a waterfront café and golf center. The site is located in those areas of the Borough of East Rutherford under the jurisdiction of the New Jersey Meadowlands Commission. The subject site is located in the Environmental Conservation and Waterfront Recreation Zones of the NJMC with the majority of the site in the Environmental Zones permit residential development. Wetland maps indicate that all of Lots 2, 5 and 11 are wetlands with only a portion of Lot 7 containing upland areas. A Conservation Zone. Neither the Environmental Conservation nor the Waterfront Recreation total 5.15± acres of uplands are located in East Rutherford and 3.75± acres of uplands in Carlstadt. The entire site is located in the 100 year flood plain. The Court has determined that this site is developable as an inclusionary development site.

The proposed development, in East Rutherford, will contain a total of 420 units with 60 units affordable to low and moderate income households. These units will be family rental units. Therefore, the Borough proposes to utilize the 45 of family rental units with 45 bonus credits to meet its prior round obligation. A total of 15 family rental units will be utilized to meet a portion of the Borough's third round obligation.

- Growth Share Obligation Plan Components

The Borough has a 120 unit growth share obligation which will be met as follows:

- Prior Round Credits

As noted above, East Rutherford proposes to utilize 15 family rental unit credits from the Builder's Remedy law suit site that were in excess of East Rutherford's prior round obligation.

- Inclusionary Development

The Borough of East Rutherford proposes to meet its remaining growth share obligation and its rehabilitation share through inclusionary development as follows:

132 Union Avenue (Block 97, Lots 1-4)

This site is a 42,956 square foot site located in the NC-Neighborhood Commercial District. Approval for the construction of 30 was approved in 2006. Construction is nearing completion with 3 units of affordable housing constructed on-site and a payment in lieu of construction for the remaining 3 affordable units.

Van Winkle Avenue (Block 92, Lot 16)

This site is a 1.12 acre parcel and located in the R-3 Multi-Family Residential District. It presently contains an existing industrial building known as "The Bindery." Approval for the redevelopment and construction of 33 residential units was awarded to M & M Investments, LP in 2005. The approval requires the construction of 3 affordable housing units on-site and the payment in-lieu of construction for 3 affordable housing units. To date no building permits have been issued for the construction of this multi-family residential complex. The Borough, at the Court appointed Monitor's request, will require 6 affordable housing units be constructed and forgo any payment in-lieu of construction.

480-484 Paterson Avenue (Block 73, Lot 7)

This site is a 22,477 square foot parcel that is presently developed with a one-story brick industrial building and located in the I-Industrial District. The site received a use variance and site plan approval for the construction of a mixed use building in August, 2008. The proposed three story complex has approval for 8,297 square feet of retail/office use and 24 residential units. The approval requires 20% of the residential component or 5 units to be dedicated for affordable family units. All apartments will be rental.

Route 3 Service Road Project (Block 108.04, Lot 5)

The New Jersey Meadowlands Commission, on May 4, 2005 approved a Zoning Certificate for Block 108.04, Lot 5 which permits a 614 unit residential complex. Building permits were issued for the construction of these units in early 2007 but construction has not begun. All construction equipment has been removed from the site. It is anticipated that the site will develop within the statutory time frame of the Third Round affordable housing regulations. The Mt. Laurel Compliant Court appointed Monitor, Robert Regan, Esq. has directed the Borough to include this site in its inclusionary development parcels/projects. The Borough will request that the New Jersey Meadowlands Commission require the developer set aside 20% or 123 units for low and moderate income households consistent with the affordable housing requirements of COAH.

- Development Fees

The Borough will adopt a development fee ordinance, as provided by COAH's rules at NJAC 5:97-8.3, permitting the Borough to impose such fees on new development. The funds generated by the collection of development fees will be applied directly toward implementation of the Borough's Fair Share Plan.

Residential development fees of 1.5 percent of the equalized assessed value will be collected on residential development within all residential zoning districts. Non-residential development fees of 2.5 percent of the equalized assessed value will be collected on non-residential development within all non-residential zoning districts.

The following developers are exempt from paying development fees:

- Developers of low and moderate income units, or those who have made a payment in lieu of constructing affordable units;
- Developers of any not-for-profit uses; federal, state and municipal government uses; churches and other places of worship; and public schools;
- Developers who expand, enlarge, or improve existing single family or two family residences, unless the expansion, enlargement, or improvement leads to the creation of additional dwelling units(s).

With respect to the proposed development fee ordinance, the following is attached in the appendix of this plan:

- A draft Developer Fee Ordinance;
- A draft resolution from the governing body requesting COAH review and approval of development fee ordinance;
- A draft spending plan;
- A draft resolution from the governing body requesting COAH review and approval of spending plan.

CONCLUSION

The Borough has a 90 unit prior round obligation; an adjusted rehabilitation obligation of 3 units and a 120 unit growth share obligation, for a total rehabilitation obligation of 35 units and a new construction obligation of 213 units.

The table below provides a summary of how the prior round, adjusted rehabilitation share and third round growth share obligation of 213 will be met within the Borough.

**Plan Summary
East Rutherford, New Jersey**

Plan Component	Prior Round	Third Round
Tomu Development Corp. (B 107.03, L 2,5,7,11)	45-Rental Family Units 45- Bonus	15-Family Rental Units
132 Union Avenue (Block 97, L 1-4)		3-Famil Sale Units
Van Winkle Avenue (B 92, L16)		6-Family Sale Units
480-484 Paterson Avenue (B 73, L 7)		5-Family Rental Units
Route 3 Service Road (B 108.04, L5)		108-Family Sale Units 15-Family Rental Units
TOTAL	90 UNITS	152 UNITS

The Borough of East Rutherford will meet its prior round obligation of 90 units and, through approved inclusionary development projects, exceed its rehabilitation share and growth share obligation of 123 units with 29 surplus units.

APPENDIX A

Development Fee Ordinance

1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees.

2. Basic requirements

- a) Borough of East Rutherford shall not spend development fees until COAH has approved a plan for spending such fees and Borough of East Rutherford has received third round substantive certification from COAH or a judgment of compliance.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:

- i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
- ii. "COAH" means the New Jersey Council on Affordable Housing.
- iii. "Development fee" means funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.
- iv. "Equalized assessed value" means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed

value will be determined at project completion by the municipal tax assessor.

4. Residential Development fees

- a) Within all zoning district(s), residential developers shall pay a fee of 1.5 percent of the equalized assessed value for residential development.
- b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6 percent of the equalized assessed value for each additional unit that may be realized.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of either the equalized assessed value, the coverage amount on the Home Owner Warranty document, or the appraised value on the document utilized for construction financing on the first two units; and six percent of either the equalized assessed value, the coverage amount on the Home Owner Warranty document, or the appraised value on the document utilized for construction financing for the two additional units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application

5. Non-residential Development fees

- a) Within all zoning district, non-residential developers shall pay a fee of 2.5 percent of the equalized assessed value for non-residential development
- b) If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6 percent of the equalized assessed value for non-residential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

6. Eligible exactions, ineligible exactions and exemptions

- a) Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees.
- b) Developments that have received preliminary or final approval prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.

7. **Collection of fees**

Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

8. **Contested fees**

- a) Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by *Borough of East Rutherford*. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

9. **Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund in to **be determined** for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund.
- b) Within seven days from the opening of the trust fund account, Borough of East Rutherford shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, **to be determined**, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
- c) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

10. **Use of funds**

- a) Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by COAH.

- b) Funds shall not be expended to reimburse Borough of East Rutherford for past housing activities.
- c) After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Borough of East Rutherford affordable housing obligation, at least 30 percent of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the third round municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle Borough of East Rutherford to bonus credits pursuant to N.J.A.C. 5:94-4.22.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Borough of East Rutherford may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- e) No more than 20 percent of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

11. Monitoring

- a) Borough of East Rutherford shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan: certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

12. Ongoing collection of fees

- a) The ability for Borough of East Rutherford to impose, collect and expend development fees shall expire with its substantive certification on date of expiration of substantive certification unless Borough of East Rutherford has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Borough of East Rutherford fails to renew its ability to impose and collect development fees prior to expiration of substantive certification, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6. Borough of East Rutherford shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification or judgment of compliance on [insert DATE], nor will Borough of East Rutherford retroactively impose a development fee on such a development. Borough of East Rutherford will not expend development fees after the expiration of its substantive certification.

APPENDIX B

Review and Approval of Development Fee Ordinance
Borough of East Rutherford

WHEREAS, the Governing Body of Borough of East Rutherford, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on *[insert date]*; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Borough of East Rutherford has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of East Rutherford, Bergen County requests that COAH review and approve Borough of East Rutherford's development fee ordinance.

Danielle Micci
Municipal Clerk

APPENDIX C

Affordable Housing Trust Fund Spending Plan Borough of East Rutherford

OVERVIEW

[This model Spending Plan reflects the latest amendments to COAH's rules. In addition to demonstrating how municipal affordable housing trust funds will be expended, the spending plan should be prepared together with the implementation schedule of the fair share plan. The spending plan will serve as the basis for demonstrating realistic opportunity of each proposed affordable housing option that relies on affordable housing trust funds as well as a basis for any affordable housing delivery mechanisms that are the subject of an implementation schedule. Another key provision in this update is the requirement to spend existing balances as of July 17, 2008 within four years of the date the municipality's spending plan is approved by COAH. To ensure timeliness of fund expenditures, there is a requirement to spend or contractually commit newly collected funds within three years from the calendar year in which those funds were collected. Proposed spending may be through a revolving loan, no-interest loans, forgivable loans, below-market loans, bridge loans, a hybrid loan and grant program, etc.]

This document is organized into five sections that address the standard information required by N.J.A.C. 5:97-8.10. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 should be detailed separately within the municipality's Affordable Housing Ordinance. Please tailor this form to the individual municipality's circumstance(s) and provide or insert information where text is italicized and in brackets [thus]. Depending on when this spending plan is completed, the actual versus projected years will vary and should be adjusted accordingly. Instructions for completing this model document are bolded, italicized and in brackets [thus] and should be deleted from the final document submitted to COAH for approval.

Please be aware that COAH staff will be utilizing the actual collections, expenditure and balances reported in the municipal affordable housing trust fund monitoring submitted to COAH via the Computer Tracking and Monitoring (CTM) system. The preparer is encouraged to collaborate with the municipal affordable housing trust fund report preparer to ensure consistency. Information about viewing municipal data in the CTM system is available on COAH's website at www.nj.gov/dca/coah/training.shtml.]

INTRODUCTION

Borough of East Rutherford, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing has been prepared by the Borough of East Rutherford and as part of the Borough of East Rutherford's submission for substantive certification of its third round Housing Element and Fair Share Plan has been submitted to COAH for its approval. The ordinance establishes the Borough of East Rutherford affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Borough of East Rutherford has collected \$0 , expended \$0 , resulting in a balance of \$0. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in **to be determined** for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Borough of East Rutherford considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers is 0.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:												
1. Approved Development		20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	200,000 0
2. Development Pending Approval												
3. Projected Development												
(b) Payments in Lieu of Construction												
(c) Other Funds (Specify source(s))												
(d) Interest												
Total		20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	20,000 0	200,000 0

Borough of East Rutherford projects a total of \$200,000 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Borough of East Rutherford:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with East Rutherford's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

[Provide a brief explanation of local procedures for distributing the municipality's affordable housing trust funds.]

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)

Borough of East Rutherford does not anticipate expending any to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$0

New construction project(s): \$154,000

(b) Affordability Assistance (N.J.A.C. 5:97-8.8)

[Municipalities are required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income). Utilize the formulae below to project the minimum affordability assistance requirements. The actual affordability assistance minimums are calculated on an ongoing basis in the CTM system based on actual revenues.]

To initially project a funding amount that will be dedicated to affordability assistance, first subtract actual expenditures on all new construction, previously funded regional contribution agreements and rehabilitation activities from inception of the fund through June 2, 2008 from the sum of actual and projected development fees and interest through December 31, 2018. Multiply this amount by 30 percent and then subtract actual affordability assistance expenditures from inception of the fund through December 31, 2004 from the result. The outcome of this calculation will be

the total remaining funds that must be dedicated to affordability assistance for the period January 1, 2005 through December 31, 2018.

To initially project a funding amount that will be dedicated to affordability assistance for very low-income households, divide the affordability assistance figure derived from the above paragraph by three. The outcome of this calculation will be the total remaining funds that must be dedicated to very low-income affordability assistance for the period January 1, 2005 through December 31, 2018. Municipalities will receive credit against this projected minimum for affordability assistance activity from January 1, 2005 to the present.]

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		\$0
Actual interest earned through 7/17/2008	+	\$0
Development fees projected* 2008-2018	+	\$200,000
Interest projected* 2008-2018	+	\$ 20,000
Less housing activity expenditures through 6/2/2008	-	\$0
Total	=	\$220,000
30 percent requirement	x 0.30 =	\$ 66,000
Less Affordability assistance expenditures through 12/31/2004	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$66,000
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$22,000

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

Borough of East Rutherford will dedicate \$66,000 from the affordable housing trust fund to render units more affordable, including \$22,000 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

- Rental Assistance.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

[Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.]

To initially project a funding amount that will be available for administrative costs, sum all development fees actually collected since the inception of the account and all actual interest earned since the inception of the account with all projected development fees and interest projected to be collected through December 31, 2018. To this amount, add all payments in lieu of constructing affordable units and other account deposits from the inception of the account through July 17, 2008. From this total amount, subtract RCA expenditures made or contractually obligated from the inception of the account through December 31, 2018. Multiply this amount by 20 percent and then subtract actual administrative expenditures made from the inception of the account through December 31, 2004. The outcome of this calculation will be the total remaining funds that will be available to defray administrative expenses for the period January 1, 2005 through December 31, 2018.]

Borough of East Rutherford projects that \$44,000 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Expenditures toward the preparation of mandated plans.
- Expenditures toward municipal employee salaries related to the execution of affordable housing related tasks.

Borough of East Rutherford intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

[A sample spreadsheet format is provided below.]

5. EXCESS OR SHORTFALL OF FUNDS

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Borough of East Rutherford has adopted a resolution agreeing to fund any shortfall of funds required for implementing *[insert types of housing programs]*. In the event that a shortfall of anticipated revenues occurs, Borough of East Rutherford will bond. A copy of the adopted resolution is attached.

[COAH requires a municipality to pass a resolution of intent to bond or a resolution appropriating funds from general revenue for any unanticipated shortfall in a municipal rehabilitation program or municipal construction project.]

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to *[describe type of housing activities]*.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with East Rutherford's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

[Reference section of Affordable Housing Ordinance that explains the collection and distribution of barrier free funds.]

SUMMARY

Borough of East Rutherford intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 15, 2008.

Borough of East Rutherford has a balance of \$0 as of July 17, 2008 and anticipates an additional \$290,000 in revenues before the expiration of substantive certification for a total of \$290,000. The municipality will dedicate \$ *[insert amount of revenue for housing activities]* towards *[insert types of housing programs]*, \$ *[insert amount of revenue for affordability assistance]* to render units more affordable, and \$ *[insert amount of revenue for administrative costs]* to administrative costs. Any shortfall of funds will be offset by *[insert source of funds]*. The municipality will dedicate any excess funds toward *[insert types of housing programs]*.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$0
PROJECTED REVENUE July 18, 2008-2018	\$200,000
Development fees	+ \$200,000
Payments in lieu of construction	+ \$ 90,000
Other funds	+ \$
Interest	+ \$
TOTAL REVENUE	= \$290,000
EXPENDITURES	
Funds used for Rehabilitation	- \$
Funds used for New Construction	
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$66,000
Administration	- \$58,000
Excess Funds for Additional Housing Activity	= \$
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$124,000
REMAINING BALANCE	= \$166,000

APPENDIX D

Governing Body Resolution Requesting
Review and Approval of a
Municipal Affordable Housing Trust Fund Spending Plan

Borough of East Rutherford

WHEREAS, the Governing Body of Borough of East Rutherford, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December __, 2008; and

WHEREAS, Borough of East Rutherford received approval from COAH on *[insert date]* of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

7. A projection of revenues anticipated from imposing fees on development; based on pending, approved and anticipated developments and historic development activity;
8. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
9. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
10. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
11. A schedule for the expenditure of all affordable housing trust funds;
12. If applicable, a schedule for the creation or rehabilitation of housing units;
13. A pro-forma statement of the anticipated costs and revenues associated

with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

14. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
15. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
16. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
17. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Borough of East Rutherford has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of East Rutherford, Bergen County requests that COAH review and approve Borough of East Rutherford's spending plan.

Danielle Micci
Municipal Clerk

APPENDIX E

DATE 11/24/98

COUNTY BERGEN

MUNICIPALITY BOROUGH OF EAST RUTHERFORD

[illegible]

I verify that I have conducted this exterior housing survey according to COAH criteria

Signature: 

Print Name and Title: John Giancaspro, Municipal Housing Liaison

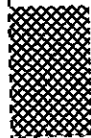
Workbook A:
Growth Share
Determination
Using Published
Data

(Using Appendix F(2),
Allocating Growth To
Municipalities)



Municipality Name:

East
Rutherford



Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

Residential

**Non-
Resident
ial**

1

Enter Growth Projections From
Appendix F(2) *

110

1561

**Subtract the following
Residential Exclusions pursuant
to 5:97-2.4(a) from "Exclusions"
tab**

COs for prior round affordable units
built or projected to be built post
1/1/04

197

- Inclusionary Development
- Supportive/Special Needs Housing
- Accessory Apartments
- Municipally Sponsored
- or 100% Affordable
- Assisted Living
- Other

0
0
0
0
0
0

Market Units in Prior Round
Inclusionary development built post
1/1/04

0

3 Subtract the following Non-
Residential Exclusions (5:97-
2.4(b))

Affordable units
Associated Jobs

0

0

4 Net Growth Projection

5 Projected Growth Share
(Conversion to Affordable Units
Dividing Households by 5 and
Jobs by 16)

0

0

22.00 Affordable
Units

98.00 Affordable
Units

6 Total Projected Growth
Share Obligation

22

98 Affordable
Units

* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name:

0

Prior Round Affordable Units NOT Included in Inclusionary Developments Built post 1/1/04

**Number of
COS
Issued
and/or
Projected**

Supportive/Special Needs Housing
 Accessory Apartments
 Municipally Sponsored and 100% Affordable
 Assisted Living
 Other
Total

0

Market and Affordable Units in Prior Round Inclusionary Development
 Built post 1/1/04
 N.J.A.C. 5:97-2.4(a)
 (Enter Y for yes in Rental column)

